



HALL TAKES THE STAND

Denied Engaging in a Conspiracy.

TESTIMONY TEDIOUS

Asserted He Had Never Been Unfaithful to His Trust as Prosecuting Officer.

STEIWER WILL BE RECALLED

Hall Will Probably Complete His Testimony Tomorrow Morning and Cross-Examination by Heney—Promises to be Feature of Trial.

PORTLAND, Jan. 29.—Former United States District Attorney Hall took the stand in his own behalf today. He denied that he ever was engaged in a conspiracy or illegal agreement with Steiwer and his associates or with anyone. He asserted he had never been unfaithful to his trust as prosecuting officer nor dilatory in prosecuting cases. Hall will probably complete his testimony tomorrow morning and cross-examination by Heney will then follow. Aside from the arguments, Heney's cross-examination of Hall promises to be the feature of the trial. Judge Webster, Hall's counsel stated tonight that he probably would call only one witness when the defendant finishes his testimony, although it is understood that Steiwer will be recalled for further cross-examination. Heney will offer some testimony in rebuttal when the defense concludes, so that final arguments cannot begin before Friday or possibly Saturday. Today's testimony was very tedious. Previous to Hall's testimony, former District Attorney Bristol and State Senator Houston were placed on the stand by the defense. Bristol declared that he never made any promises to Hendricks and Huston swore that Senator Brownell complained because Heney was not keeping his promise to dismiss the indictment against him after Brownell had given the government data.

CEMENT FOR PANAMA CANAL

WASHINGTON, Jan. 29.—The proposals for furnishing 4,500,000 barrels of portland cement for use in the construction of the Panama Canal, which have been asked by the Isthmian Canal Commission, will be opened on March 12 and the deliveries of the cement will commence about December 1 next. Proposals will be received for furnishing the entire supply, any portion thereof and also one third of the amount and also for shipping the entire amount in clinker form to a point on the isthmus designated by the commission and there ground in a mill to be erected, operated and maintained by contractors.

CAPT. J. C. EDGAR DEAD.

SAN FRANCISCO, Jan. 29.—Capt. John C. Edgar, a pioneer of 1852, first Republican sheriff of Yuba county and for 28 years in active service at San Quentin prison where his failing health compelled him to resign as warden last July, died yesterday at his home in Richmond. Death resulted from diabetes, from which he had suffered more than a year. He was a native of Belfast, Ireland, 74 years of age.

SANCTIONS A LOAN.

ST. PETERSBURG, Jan. 29.—An imperial ukase issued yesterday sanctions an internal loan of 163,000,000 roubles at 4 per cent in the shape of notes on the State's bank redeemable within four years, replacing a like amount issued in 1904 now matured.

BANK GOES OUT OF BUSINESS.

NEW YORK, Jan. 29.—President D. A. Sullivan of the Merchants' & Traders' Bank announced shortly before midnight tonight that the institution would not open its doors tomorrow. This decision was reached at a meeting of the board of directors tonight lasting four hours. In a statement issued after the meeting, the directors declared the bank solvent but the state of cash resources made it inadvisable for the bank to continue doing business.

OPIUM FOUND ON STEAMER.

SAN FRANCISCO, Jan. 29.—The custom officials of this port have for some time suspected the existence of an organized ring of opium smugglers who operated on steamers running between Victoria and San Francisco. Startling confirmation of this suspicion was obtained yesterday when the custom house searchers found 220 five tael tins of the contraband stowed away on top of the donkey boiler of the Steamer City of Puebla.

Opium can be bought in Victoria for about \$8 a pound. Duty paid it sells here for about \$14 a pound. In the tins found yesterday were about 100 pounds of the drug.

The duty on the opium seized would amount to about \$600 and the capture is one of the largest made at this port in years.

TWENTY-FOUR YEARS

Army Bad Man Will Serve in Leavenworth.

UNDER CLOSE SURVEILLANCE

The Marines Noticed the Day Before he Landed and Removing His Shoes They Found a Revolver he Had Managed to Secrete.

NEW YORK, Jan. 29.—Described by officers on Governors Island as "the army bad man", Hugh Adolphus Tyranny, now in irons, in Castle William, will soon be transferred to Fort Leavenworth to serve a 24 years term. Yesterday the army officers on the island told why Tyranny is kept under the close surveillance which they have adopted in his case. He arrived from Havana recently under guard of three U. S. marines. The day before landing, they noticed him walking in a peculiar manner.

Removing his shoes, they found in one of them a six chambered revolver which he had managed to secrete in some manner. Additional precautions were then taken to prevent his accumulating any further stock of dangerous weapon. Tyranny's commitment papers show him to have been involved in several affairs involving guard house sentences while stationed in Cuba. He received his long sentence for what the papers describe as "intent to kill" a lieutenant and a private by clubbing the former over the head with a big stick and repeatedly stabbing the latter.

DR. J. C. JOHNSON DEAD.

BUTTE, Mont., Jan. 29.—Dr. J. C. Johnson, aged 59, pioneer physician of Butte and one of the best known medical men in the Northwest, is dead. Death was due to diabetes. For 26 years Dr. Johnson was at the head of the staff of St. James' Hospital, in which institution he breathed his last.

LEADS FOR ACQUITTAL

Upon the Grounds of Insanity.

LITTLETON'S COMMENTS

Jerome's Attack Upon Evelyn Thaw Would Lead to Belief She Was on Trial.

HE DID NOT EULOGIZE THAW

Littleton Said he Could Not Understand What She Had Done to Call Forth the Abuse of Jerome—Grills Abe Hummel.

NEW YORK, Jan. 29.—Save for the arguments of the attorneys and the charge of the judge, the trial of Harry K. Thaw, charged with the wilful murder of Stanford White, is finished. After spending nearly three weeks in listening to the evidence produced on both sides of the case the jury will today listen to the address of Martin W. Littleton. In this address there will be nothing of the sensation which came to the court room on the first trial when Delphin M. Delmas suddenly threw over all his carefully planned defense and appealed to the unwritten law as a defense of Thaw's action in killing White. In Mr. Littleton's address, there will be nothing but the plain defense of insanity. "Brain storms" have gone the way of the unwritten law during the present trial and the only defense has been insanity, insanity of a character which was easily defined by experts and which they all testified was of such a nature that the mania under which Thaw labored at the time he fired the shots that killed his enemy may occur at any moment. Whether or not Mr. Littleton will attempt to argue that Thaw is not now sane has not appeared. He presented no evidence to that effect. On Thursday District Attorney Jerome will sum up the people's case to jury and will ask that Thaw be convicted of murder in the first degree, a conviction which would carry with it the death penalty, now and always has been insane and it is no secret that he would be satisfied with a verdict that would send the young Pittsburger to an asylum for the rest of his life. Mr. Jerome called no alienists to the stand to combat the insanity plea, and is therefore in a position to ridicule the testimony given by the experts called for the defense to his heart's content.

On the conclusion of Jerome's address, Justice Dowling will deliver his charge to the jury. It is possible Mr. Jerome will finish in such time on Thursday as to allow the delivery of the charge that night. If so, the case will go at once to the jury. If, however, it is necessary, Judge Dowling will wait until Friday morning to deliver his charge. However, the case may go, there is little question that Harry Thaw's fate will be in the jury's hands by noon on Friday.

Chief Counsel Littleton today asked for Thaw's acquittal upon the ground of insanity, declaring he did not see how, in face of the evidence, the jury could render any other verdict. The serious and sincere evidence of the defense tending to show the defendant's insanity, Littleton declared, had been answered by the sneers and insinuations of Jerome. These sneers and insinuations, Littleton said were not the competent

proof that the law required the prosecuting authorities to produce. One of insanity was made the issue. Littleton warmly defended Evelyn Nesbit Thaw against the attacks of Jerome. He said he could not understand what she had done, or what great crime she had committed, considered in the light of all she had confessed herself to be, that the prosecutor should transcend all rules of propriety and decency and attempt to destroy her when in the next breath he was ready to coddle and hug and vouch for the testimony of such a scoundrel as Abe Hummel, the very vermin of the New York bar.

I do not know how you gentlemen of the jury feel about it, but it has generally been understood that a woman when she takes the witness stand in this country, is at least entitled to have her testimony elicited with as much gentility, care, tenderness and regard of ordinary proprieties as ordinarily governs the intercourse of men and women. I do not say that Jerome transgressed the proprieties of decency, but it seems to me he was more intent on abusing this woman than in convicting Thaw. The trend of his attack would lead you to believe Mrs. Thaw, and not her husband, was on trial before you. What was there about this young woman or against her that Jerome should pace up and down before you like a caged lion when he was addressing her and glare and glare at her and clinch his teeth at her? What was there about her that could justify such treatment?"

Littleton made no attempt to eulogize Thaw and said he asked for him no more consideration than the average American boy had a right to demand of an American jury.

The jury men followed the argument with intense interest and it was generally conceded that Littleton had left Jerome a difficult task.

CHARGES ARE FALSE

Says Fulton, and Heney is Desperate.

REFUTE AT PROPER TIME

"I Cannot of Course Answer Mr. Heney's Charges Until I Have Them in Full so That I Know Just What They Are," Said Fulton.

WASHINGTON, Jan. 29.—When shown a synopsis of the charges made against him last evening by F. J. Heney, Senator Fulton was not inclined to make any response at this time. Finally, however, he said:

"I cannot, of course, answer Mr. Heney's charges until I have them in full, so that I know just what they are. I will say, however, that it is absolutely false that I ever paid J. S. Smith or any person money for Mitchell. It was, I recall, a common report that Smith got money out of Mitchell on a promise to qualify as a legislator, and then refused to qualify. I do not recall saying anything to Governor Chamberlain about Smith, but if I did so, it was simply based on the generally believed report.

"As for being attorney for the Hammond Lumber Company, I never was, except, I think, I once appeared in court for it. The Brownell matter I have before refuted. The Burke and Gosselin matter was simply a case where the parties were indicted and I was applied to to defend them. That was years before I was elected to the Senate, and I was then engaged in the practice of law. I do not recall all the circumstances, but I know that my actions were all perfectly legitimate and proper, and when I see the allegations I will easily refute any charges of impropriety. Mr. Heney must be desperate when he has to delve into the past to rake up scandal and filth of this character. I shall at the proper time deal with these charges and show their entire falsity."

IS COMING HOMEWARD

Horace McKinley Left China Yesterday.

IN CHARGE OF OFFICER

No Surprise If He Receives a Heavy Penalty Owing to His Escapade.

MIGHT HAVE GOT OFF EASY

After Conviction in October, 1904, he Jumped Bail and Escaped to China—Was Arrested and Escaped, But Was Recaptured in Manchuria.

PORTLAND, Jan. 29.—The Oregonian will say tomorrow that Horace G. McKinley, who is awaiting sentence in the federal court for land stealing, sailed today for Portland from Hong Kong, China, in custody of a detective.

After his conviction in October, 1904, in connection with Puter and other members of the notorious "11-7" land fraud ring, and while awaiting sentence, McKinley jumped his bonds. Nothing definite was learned of his whereabouts until he was located at Manila. He soon left there and went to China where he was apprehended almost exactly three years after his conviction. He escaped from the prison at Tien Tsin before the officer from Portland arrived to bring him back. This was about November 10th, last. A few weeks later he was re-captured in Manchuria. In consideration of the valuable evidence given the government, McKinley's punishment, had he remained in Oregon, would undoubtedly have been no greater than that inflicted on Puter, two years in jail and \$1000 fine. In view of the trouble the government has been to it will create little surprise if he receives a sentence many times as severe as that.

PASSED FRAUDULENT CHECK.

CHICAGO, Jan. 29.—Walter Mack of San Jose, Cal., who says he is a graduate of the Leland Stanford University of Palo Alto is under arrest today accused of having passed fraudulent checks. He was arrested in the restaurant of August Nagel, when in the company of two young women and four young men. The women said they were chorus girls in a theatrical company. According to the police Mack, who is 25 years old, inherited \$15,000 a year ago through the death of his father in California. The police say Mack's money gave out several days ago. August Nagel, owner of the restaurant in which Mack was arrested, the police say, charges that Mack passed a fraudulent check for \$10 on him several days ago.

PROHIBITING POLYGAMY.

WASHINGTON, Jan. 29.—Senator Hopkins today introduced a resolution proposing a joint amendment to the constitution prohibiting polygamy.

LYNCHING BEE.

COMMERCE, Miss., Jan. 29.—Two negroes, whose names could not be learned, who are charged with having waylaid and killed their father here Monday, for the purpose of robbery, were charged by a mob of negroes yesterday and lynched.

DRINK POISON.

NEW YORK, Jan. 29.—After sending to the newspapers the announcement of her marriage, which occurred September 21, last, Mrs. George B. Sears drank poison last night, and is now in a dying condition at a hospital. Mrs. Sears was Miss Augusta Bleckman of St. Louis and was married when she was 17 to Mr. d'Amron of New Orleans. After a few years, they separated and her relatives in St. Louis have heard little from her since. On the table in her room last night beside the bottle which had contained the poison which found a note asking that Mrs. H. F. Niedrinhaus, 5300 Maple Avenue, St. Louis, be notified. There was also a brief note from her husband. Mr. Sears did not live in the same house with his wife, but is said to have been a frequent visitor there. He stated that he knew of no reason why Mrs. Sears should have attempted to commit suicide except that she was to undergo a serious operation February 3. He refused to state why the marriage had been kept secret.

HAIR ORNAMENT FOUND.

CHICAGO, Jan. 29.—An advertisement in a morning newspaper yesterday brought back a valuable diamond hair ornament to Mrs. W. W. Kimball and incidentally brought \$100, to a maid in the employ of Mrs. John T. Shortall.

Mrs. Kimball was among the guests at Mrs. Marshall Field's dinner in honor of F. Hopkinson Smith on Sunday evening, and lost the ornament when returning to her home a short distance away. Long search failed until Mrs. Shortall's maid found the pin as it lay in the snow on the sidewalk near Mrs. Field's residence.

LOVERS QUARREL

Each Inflicted a Fatal Wound Upon the Other.

THE GREEN EYED MONSTER

He Visited Her at the House of Her Sister—They Talked a Few Minutes and the Girl Fled to Her Room.

PITTSBURG, Jan. 29.—A lover's quarrel at Amburgh, a new town established by the American Bridge Company, 17 miles northwest of here last night, ended in the death of both, each inflicting a fatal wound upon the other. The victims were Mary Cozzini, 18 years old and strikingly beautiful and Dominic Polcini, 25 years old. The courtship began in Italy and Dominic came to America three years ago to prepare a home, sending for the girl last October. Polcini is said to have been jealous and when she delayed the wedding from time to time he became frantic. Last night he visited the girl at the home of her sister. They talked a few minutes and the girl fled from the kitchen to her own room on the third floor, locking herself in. Polcini followed and broke open the door and a struggle followed. Evidently the girl had prepared to defend herself. An instant later there was a shriek and a heavy body fell. It was that of Polcini. A delicate, keen edged knife the girl was known to have kept in her room was found near him. The blade had been thrust into his ear, piercing his brain.

Just as he fell Polcini fired a shot from his revolver. She ran down the two flights of stairs and fell dead on the kitchen floor.

It is presumed Polcini after breaking into the girl's room had threatened to shoot her, and that she stabbed him and attempted to run away.